

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, June 15, 2010, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh

Vice-Mayor Benjamin K. Mallicote

Alderman Charles K. Marsh, Jr.

Alderman Tom C. Parham

Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by Michael Bennett, a six grade student at Robinson Middle School this coming school year.
- II.B. **INVOCATION:** by Pastor Paul Becker of the Concordia Lutheran Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Larry A. Munsey.
- IV. **RECOGNITIONS AND PRESENTATIONS.**

1. **EMPLOYEE DEPENDENT SCHOLARSHIP RECIPIENTS.** – Ms. Lesley Christian of the City's Risk Department described eligibility requirements for applying for the \$1,500 in scholarship funds, which were received through donations starting last year. City Manager John Campbell donated \$500 to be given to one recipient in honor of his mother, Sarah Edline Campbell. The remaining \$1,000 was divided equally among five other recipients. Dr. Linda Calvert, chair of the scholarship board, announced the \$200 recipients as Amber Banks, Jessica Bausell, Daniel Davis, Zachary Murnane and Taylor Winegar, who are all children of City employees. Patrick Davis was awarded the \$500 Campbell scholarship. Those wishing to make donations for future scholarship awards can make checks payable to the GKAD Scholarship, PO Box 44, Kingsport, TN 37662 or contact Lesley Christian in City Hall at (423) 229-9402.

2. **KEEP KINGSFORT BEAUTIFUL JUNE BEAUTIFICATION AWARDS.** Mr. Rack Cross presented and narrated a pictorial slide presentation of landscapes showing several residences, a business, a redevelopment area and a church selected to receive Keep Kingsport Beautiful Award honors sponsored by Blue Ridge Properties for June 2010. Vice-Mayor Mallicote commended the award winners on their contributions to the attractive surroundings of Kingsport and presented award certificates to those honorees in attendance.

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**V. APPROVAL OF MINUTES.**

Motion/Second: Parham/Joh, to approve minutes for the following meetings:

- A. June 1, 2010 Regular Work Session
- B. June 1, 2010 Regular Business Meeting

Approved: All present voting "aye."

**VI. COMMUNITY INTEREST ITEMS.**

**AA. PUBLIC HEARINGS.**

**1. Public Hearing for Annexation Annual Plan of Services Report**  
(AF: 140-2010). City Planner Forrest Koder provided an update on this report.

**PUBLIC COMMENT ON ITEM VI.AA.1.** None.

**2. Public Hearing and Consideration of Ordinances to Amend  
Zoning of a Portion of Parcel 21.00 Located on Rock Springs Road from B-4P  
Zoning to R-1B Zoning** (AF: 155-2010).

**PUBLIC COMMENT ON ITEM VI.AA.2.** None.

Motion/Second: Shupe/Joh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO  
REZONE PROPERTY ADJACENT TO ROCK SPRINGS ROAD FROM B-4P,  
PLANNED BUSINESS DISTRICT TO R-1B, SINGLE FAMILY RESIDENTIAL  
DISTRICT IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY  
FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE  
OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**3. Public Hearing and Consideration of Ordinances to  
Annex/Amend Zoning of the Eagle Pointe Annexation and Consideration of a  
Resolution Adopting the Plan of Services** (AF: 176-2010).

**PUBLIC COMMENT ON ITEM VI.AA.3.** None.

Motion/Second: Parham/Joh, to pass:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE  
PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT,  
EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN  
COUNTY, TENNESSEE, AND KNOWN AS THE EAGLE POINTE ANNEXATION, AS  
HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE  
CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO  
FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

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Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE THE EAGLE POINTE PROPERTY TO R-3, LOW DENSITY APARTMENT DISTRICT IN THE 14<sup>th</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: Mallicote/Shupe, to pass:

**Resolution No. 2010-244**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE EAGLE POINTE ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items.

**Lawrence Ward**, 886 Rock Springs Road, Kingsport, expressed concern with the City's condemnation of the Ward property, under agenda Item VI.D.16. He spoke about his family's history of operating the feed store since 1964 and the mill on the subject since the mid-1950s. He stated he is not against the roundabout road improvement project, but feels the price being offered for the property is not consistent with prices paid for comparable, nearby property. He mentioned appreciation for Assistant to the City Manager Chris McCartt's involvement in working with them and hopes to continue working toward a mutually satisfactory resolution in compensation and relocation.

**Alan Ward**, 408 Wagon Wheel Lane, Kingsport, described his milling business operation located on Industry Drive, as well as the feed store downtown which he and his wife own, operate and sell the products manufactured at the milling site. He believes that, if this resolution is passed to condemn the property at tonight's meeting, it will immediately put him out of business and he won't be able to relocate and set up business at a new location. He has been and is still willing to work with City staff to accommodate the road improvement project that is needed at the Industry Drive/Netherland Inn Road intersection. He would like to see the City consider offering a fair, legitimate offer to keep this long-time business in operation.

**Mayor Phillips, as a courtesy to the Ward family, asked that Board members consider to Agenda Item VI.D.16 at this time.**

**VI.D.16 Consideration of a Resolution to Condemn in Fee the Ward Property for the Netherland Inn Road Roundabout Project (AF: 191-2010).** Mr. McCartt explained that the Ward property is in the path of the roundabout project scheduled to commence as soon as a resolution is reached. He has been working with the Ward family for some time, with no success so far, to secure a suitable place to relocate this portion of their operation. Regarding compensation for the property and structures, Mr. McCartt explained there have been two appraisals done; the first in 2008

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showed the value at \$90,000 and another done in the fall of 2009 reflected a value of \$110,000. The City, using the higher value, has proposed adding a five percent (5%) increase of \$5,500 and \$25,000 for relocation expense and has offered a purchase price of \$140,500. This amount falls far short of the \$450,000 amount the Ward family seeks for the property value and moving expense and the suggestion has been made to have the Wards select an appraiser from the City-approved list to obtain a third appraisal, prepared at the City's expense. The property value reached in the third appraisal would then be used to reach an agreed-upon price.

Mr. McCartt stated that, if the BMA approves this action tonight, a third appraisal can still be done in an attempt to reach an agreement. If no agreeable price is reached, this action would prevent further delay in allowing the City to seek a judge's input into the fair market value of the property. He offered further that, even if the property is acquired through condemnation, City staff will continue to work with Alan Ward to find a site for relocation and compensate him therefor.

Alderman Marsh doesn't believe the City should begin this project before the City has acquired all the properties involved. He pointed out that, fortunately, the City has purchased other, comparable properties in this area and established a "track record" of property values. He suggests following that line of comparison and valuation to determine a fair compensation. He mentioned his reluctance for government to exercise its power to strong arm private, individual businesses through the court process and, therefore, see this resolution as unnecessary until all avenues to reach an agreement have been exhausted.

City Attorney Billingsley described the Board's options going forward and, if this action is postponed until the July 6<sup>th</sup> meeting, the City would have a 30-day minimum period, after filing the condemnation suit, before it could take possession and move forward with the roundabout project.

Mr. McCartt added that the appraisal process to acquire a third appraised value would take some time and not be available until closer to the July 20<sup>th</sup> meeting which would allow additional time for the parties to work further toward an acceptable price.

Alderman Marsh moved, seconded by Alderman Shupe, to defer this action until the July 20, 2010 BMA meeting, based on Mr. McCartt's explanation about the appraisal process, which should allow sufficient time to reach a satisfactory resolution without condemnation. The motion failed 4-2, with all voting "nay" except Marsh and Shupe voting "aye."

Motion/Second: Mallicote/Joh, to pass:

**Resolution No. 2010-260, A RESOLUTION TO AUTHORIZE CONDEMNATION PROCEEDINGS FOR THE NETHERLAND INN ROAD ROUNDABOUT PROJECT**

Passed: All present voting "aye" except Marsh and Shupe voting "nay."



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Further Board discussion spoke in favor of making every attempt to avoid the condemnation process, out of respect for and in support of the Ward family and its business endeavors, but also moving ahead to avoid further postponement of this road improvement project. Alderman Parham mentioned his tremendous regard for the Ward family, having worked with them for some time on the Riverwalk project, and believes approving this agenda action will serve to encourage both parties to make coming to an agreed amount an absolute priority.

***Mayor Phillips returned to normal order of agenda with Item VI.B.1.***

**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of a Budget Ordinance to Appropriate Grant Funds Received from the Harvard's Ash Center for Democratic Governance and Innovations in American Government Award (AF: 186-2010).**

Motion/Second: Mallicote/Shupe, to pass:

AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE MPO/FEDERAL SURFACE TRANSPORTATION PROGRAM; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Mayor to Sign All Contracts with the Tennessee Department of Transportation Accepting MPO/Federal "STP" Funds and Development of Street Resurfacing Projects for Various Roadways and Consideration of a Budget Ordinance Appropriating the Funds (AF: 206-2010).**

Motion/Second: Parham/Joh, to pass:

**Resolution No. 2010-245,** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT 100115 AND 100116 BETWEEN THE CITY OF KINGSFORT AND THE AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO RECEIVE FUNDS FOR THE DEVELOPMENT OF RESURFACING PROJECTS FOR VARIOUS ROADWAYS AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENTS

Passed: All present voting "aye."

Motion/Second: Joh/Shupe, to pass:

AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE MPO/FEDERAL SURFACE TRANSPORTATION PROGRAM; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

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**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.**

- 1. Consideration of an Ordinance to Adopt the FY10-11 Budget**  
(AF: 148-2010).

Motion/Second: Mallicote/Parham, to pass:

**ORDINANCE NO. 5968**, AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading: All present voting "aye."

- 2. Consideration of an Ordinance to Adopt the FY10-11 Water Fund Budget** (AF: 149-2010).

Motion/Second: Joh/Shupe, to pass:

**ORDINANCE NO. 5969**, AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL WATER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading: All present voting "aye."

- 3. Consideration of an Ordinance to Adopt the FY10-11 Sewer Fund Budget** (AF: 150-2010).

Motion/Second: Joh/Shupe, to pass:

**ORDINANCE NO. 5970**, AN ORDINANCE OF THE CITY OF KINGSPORT, TENNESSEE, ADOPTING A FINAL SEWER FUND BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading: All present voting "aye."

**D. OTHER BUSINESS.**

- 1. Consideration of a Resolution Setting FY11 Fees and Charges Provided for in the City Code** (AF: 131-2010).

Motion/Second: Parham/Mallicote, to pass:

**Resolution No. 2010-246**, A RESOLUTION SETTING THE RATES, FEES AND CHARGES AS PROVIDED BY THE CITY OF KINGSPORT CODE OF ORDINANCES

Passed: All present voting "aye."

- 2. Consideration of a Resolution Awarding the Bid for the Purchase of One (1) Sewer Inspection Camera Van to Cues, Inc.** (AF: 207-2010).

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Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2010-247**, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF ONE SEWER INSPECTION VAN TO CUES, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the Mayor to Execute a Concession Agreement with the Senior Center Athletic Club to Provide Concessions at Legion Pool (AF: 169-2010).**

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2010-248**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONCESSION LEASE AGREEMENT WITH THE SENIOR CENTER ATHLETIC CLUB FOR THE SALE OF FOOD, REFRESHMENTS, CONFECTIONERY AND BEVERAGES AT LEGION POOL

Passed: All present voting "aye."

**4. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary to Apply for a Section 5307 Federal Transit Grant from the U.S. Department of Transportation (AF: 172-2010).**

Motion/Second: Mallicote/Parham, to pass:

**Resolution No. 2010-249**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE FEDERAL TRANSIT ADMINISTRATION SECTION 5307 FUNDS FROM THE U.S. DEPARTMENT OF TRANSPORTATION FOR FISCAL YEAR 2010-2011

Passed: All present voting "aye."

**5. Consideration of a Resolution Authorizing the Mayor to Execute a Lease Agreement with the Serenity Improvement Group of Alcoholics Anonymous for Space in the Renaissance Center (AF: 174-2010).**

Motion/Second: Parham/Joh, to pass:

**Resolution No. 2010-250**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF KINGSFORT AND SERENITY IMPROVEMENT GROUP OF ALCOHOLICS ANONYMOUS FOR CERTAIN SPACE IN THE RENAISSANCE CENTER LOCATED IN THE CITY OF KINGSFORT, SULLIVAN COUNTY, TENNESSEE

Passed: All present voting "aye."

**6. Consideration of a Resolution to Approve the Offer and Authorize the Mayor to Execute All Documents Necessary for the Acquisition of Property Located at 1205 Konnarock Road (AF: 175-2010).**

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Motion/Second: Joh/Parham, to pass:

**Resolution No. 2010-251**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF PROPERTY LOCATED AT 1205 KONNAROCK ROAD

Passed: All present voting "aye."

**7. Consideration of a Resolution Authorizing the Mayor to Execute an Amendment to the Contract between the City of Kingsport and the Tennessee Department of Environment and Conservation (TDEC) (AF: 177-2010).**

Motion/Second: Joh/Mallicote, to pass:

**Resolution No. 2010-252**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EXISTING CONTRACT WITH THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION REVISING THE AMOUNT OF FINANCIAL ASSURANCE REQUIRED FOR THE CITY OF KINGSFORT DEMOLITION LANDFILL LOCATED ON BROOKSIDE DRIVE

Passed: All present voting "aye."

**8. Consideration of a Resolution Authorizing the Mayor to Sign a Contract with the Virginia Department of Transportation Accepting Federal and State Transportation Planning Funds on Behalf of the Kingsport MPO (AF: 179-2010).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2010-253**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF KINGSFORT AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL HIGHWAY ADMINISTRATION PL-112 PLANNING FUNDS FOR USE BY THE KINGSFORT AREA METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION FOR THE FISCAL YEAR 2011 AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE CONTRACT

Passed: All present voting "aye."

**9. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply and Receive Bristol Motor Speedway Children's Charities Grant Funds of \$9,375 (AF: 180-2010).**

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2010-254**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A GRANT FROM THE BRISTOL MOTOR SPEEDWAY CHILDREN'S CHARITIES FOR THE KINGSFORT LIBRARY

Passed: All present voting "aye."

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**10. Consideration of a Resolution Authorizing the Execution of an Amendment to the Agreement with Pepsi Bottling Group and Authorizing the Mayor to Sign All Applicable Documents (AF: 184-2010).**

Motion/Second: Parham/Mallicote, to pass:

**Resolution No. 2010-255,** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH PEPSI BOTTLING GROUP FOR THE SUPPLY OF BEVERAGE ITEMS FOR USE BY THE KINGSFORT CITY SCHOOL SYSTEM SCHOOL NUTRITION PROGRAM AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**11. Consideration of a Resolution Authorizing a Net Metering and Interconnection Agreement with AEP Appalachian Power and Authorizing the Mayor to Sign All Applicable Documents (AF: 185-2010).**

Motion/Second: Mallicote/Shupe, to pass:

**Resolution No. 2010-256,** A RESOLUTION APPROVING A NET METERING AND INTERCONNECTION AGREEMENT WITH APPALACHIAN POWER COMPANY FOR THE SOLAR POWER SYSTEM LOCATED AT DOBYNS-BENNETT CAREER AND TECHNICAL EDUCATION AREA AND AUTHORIZING THE MAYOR TO EXECUTE ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

~~**12. Consideration of a Resolution to Authorize the Mayor to Execute an Amendment to the City's Existing Agreement with PSA Dewberry to Approve the Next Phase in the Library's Renovation/Expansion Project—the Schematic Design Phase (AF: 76-2010).**~~ City Manager Campbell pulled this agenda item.

**13. Consideration of a Resolution Authorizing the Mayor to Execute an Amendment with Project Lead the Way, Inc. to Provide Science and Math Curriculum for the City School System (AF: 181-2010).**

Motion/Second: Mallicote/Parham, to pass:

**Resolution No. 2010-257,** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PROJECT LEAD THE WAY, INC. FOR THE CITY SCHOOL SYSTEM AND ANY OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

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**14. Consideration of a Resolution Awarding the Bid for the Purchase of Unleaded Gasoline for Use by All City Departments and Schools to Pioneer Petroleum Company for FY11 (AF: 188-2010).**

Motion/Second: Mallicote/Shupe, to pass:

**Resolution No. 2010-258**, A RESOLUTION AWARDED THE BID FOR PURCHASE OF UNLEADED GASOLINE FOR USE IN CITY EQUIPMENT AND VEHICLES TO PIONEER PETROLEUM COMPANY FOR FISCAL YEAR 2011

Passed: All present voting "aye."

**15. Consideration of a Resolution Awarding the Bid for the Purchase of Biodiesel and/or Diesel Fuel to Pilot Travel Centers, LLC for FY11 and Authorizing the Mayor to Sign All Applicable Documents (AF: 189-2010).**

Motion/Second: Joh/Mallicote, to pass:

**Resolution No. 2010-259**, A RESOLUTION AWARDED THE BID FOR PURCHASE OF BIODIESEL FUEL FOR USE IN CITY EQUIPMENT AND VEHICLES TO PILOT TRAVEL CENTERS, LLC AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURCHASE

Passed: All present voting "aye."

**16. Consideration of a Resolution to Condemn in Fee the Ward Property for the Netherland Inn Road Roundabout Project (AF: 191-2010).** This agenda item was considered and discussed earlier in the meeting just prior to Item VI.B.1 with the following result:

Motion/Second: Mallicote/Joh, to pass:

**Resolution No. 2010-260**, A RESOLUTION TO AUTHORIZE CONDEMNATION PROCEEDINGS FOR THE NETHERLAND INN ROAD ROUNDABOUT PROJECT

Passed: All present voting "aye" except Marsh and Shupe voting "nay."

**17. Consideration of a Resolution Authorizing the Mayor to Execute Agreements with Various Agencies and Organizations for Services in FY10-11 Benefiting the General Welfare of Kingsport Residents (AF: 178-2010).**

Motion/Second: Parham/Mallicote, to pass:

**Resolution No. 2010-261**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH VARIOUS AGENCIES AND ORGANIZATIONS FOR SERVICES IN FISCAL YEAR 2010-2011 BENEFITING THE GENERAL WELFARE OF KINGSFORT RESIDENTS

Passed: All present voting "aye."

**18. Consideration of a Resolution Awarding the Bid for Cleek Road and New Beason Well Road Improvements Phase I to Vic Davis Construction, Inc. And Authorize the Mayor to Sign All Applicable Documents (AF: 193-2010).**



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Motion/Second: Parham/Joh, to pass:

**Resolution No. 2010-262**, A RESOLUTION AWARDING THE BID FOR CLEEK ROAD AND NEW BEASON WELL ROAD IMPROVEMENTS PHASE I PROJECT TO VIC DAVIS CONSTRUCTION, INC. AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**19. Consideration of a Resolution to Approve the Offer and Authorize the Mayor to Execute All Documents Necessary for the Acquisition of Property Located at 1715 Netherland Inn Road (AF: 194-2010).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2010-263**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER FOR THE PURCHASE OF PROPERTY LOCATED AT 1715 NETHERLAND INN ROAD

Passed: All present voting "aye."

**20. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply for and Receive a Traffic Law Enforcement Agency Services Multiple Violations Highway Safety Grant from the Tennessee Department of Transportation (AF: 182-2010).**

Motion/Second: Shupe/Joh, to pass:

**Resolution No. 2010-264**, A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TRAFFIC LAW ENFORCEMENT AGENCY SERVICES-MULTIPLE VIOLATIONS HIGHWAY SAFETY GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION

Passed: All present voting "aye."

**21. Consideration of a Resolution to Ratify the Mayor's Signature on All Documents Necessary to Apply for and Receive USDOJ Funds for a Grant Providing for a Sex Offender Management Program (AF: 183-2010).**

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2010-265**, A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE UNITED STATES DEPARTMENT OF JUSTICE GRANT FUNDS PROVIDING FOR A SEX OFFENDER MANAGEMENT PROGRAM

Passed: All present voting "aye."

**22. Consideration of a Resolution Awarding the Bid for the Purchase of Various Janitorial Supplies to Janpak Paper Supply Company for FY11 (AF: 190-2010).**

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Motion/Second: Shupe/Parham, to pass:

**Resolution No. 2010-266**, A RESOLUTION AWARDED THE BID FOR PURCHASE OF VARIOUS JANITORIAL SUPPLIES FOR FISCAL YEAR 2011 FOR USE BY THE CITY AND KINGSPORT CITY SCHOOLS TO JANPAK PAPER SUPPLY COMPANY

Passed: All present voting "aye."

***The next five agenda items—Items VI.D.23 through VI.D.27—involving lease agreements at the V.O. Dobbins Complex were considered under one motion. Alderman Joh was not present for the vote on these items and all passed 5-0.***

Motion/Second: Shupe/Mallicote, to pass:

**23. Consideration of a Resolution Approving a Lease Agreement with 211 Contact Concern for Office Space in the V.O. Dobbins Complex (AF: 199-2010).**

**Resolution No. 2010-267**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF KINGSPORT AND CONTACT CONCERN FOR CERTAIN SPACE IN THE V.O. DOBBINS COMPLEX LOCATED IN THE CITY OF KINGSPORT

**24. Consideration of a Resolution Approving a Lease Agreement with Mountain Region Speech and Hearing for Office Space in the V.O. Dobbins Complex (AF: 200-2010).**

**Resolution No. 2010-268**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF KINGSPORT AND MOUNTAIN REGION SPEECH AND HEARING CENTER, INC. FOR CERTAIN SPACE IN THE V.O. DOBBINS COMPLEX LOCATED IN THE CITY OF KINGSPORT

**25. Consideration of a Resolution Approving a Lease Agreement with The ALS Association Tennessee Chapter for Office Space in the V.O. Dobbins Complex (AF: 201-2010).**

**Resolution No. 2010-269**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF KINGSPORT AND ALS ASSOCIATION TENNESSEE CHAPTER FOR CERTAIN SPACE IN THE V.O. DOBBINS COMPLEX LOCATED IN THE CITY OF KINGSPORT

**26. Consideration of a Resolution Approving a Lease Agreement with Susan G. Komen for the Cure for Office Space in the V.O. Dobbins Complex (AF: 202-2010).**

**Resolution No. 2010-270**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF KINGSPORT AND TRI-

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CITIES AFFILIATE OF SUSAN G. KOMEN BREAST CANCER FOUNDATION FOR CERTAIN SPACE IN THE V.O. DOBBINS COMPLEX LOCATED IN THE CITY OF KINGSFORT

**27. Consideration of a Resolution Approving a Lease Agreement with Kingsport Tomorrow for Office Space in the V.O. Dobbins Complex (AF: 203-2010).**

**Resolution No. 2010-271, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF KINGSFORT AND KINGSFORT TOMORROW, INC. FOR CERTAIN SPACE IN THE V.O. DOBBINS COMPLEX LOCATED IN THE CITY OF KINGSFORT**

Agenda Items 23-27 Passed (Joh not present): All present voting "aye."

**28. Consideration of a Resolution to Authorize Withdrawal from the Tennessee Consolidated Retirement System (TCRS) (AF: 208-2010).** Vice-Mayor Mallicote spoke in opposition to this action, opining he doesn't believe this is a prudent action to take after the extensive Board discussion that has taken place. He further explained that it would require a super majority of this Board or a vote of at least five board members to pass or fail.

Alderman Marsh spoke in favor of this action in order to keep the City's options open, believing the cost of the City's retirement system is unavoidably going to increase and citizens will have to fund. He offered that passage of this action doesn't change anything for a year, but not passing it will close the option, effectively, for two years.

Further Board discussion covered topics such as accurate return percentages (5.5% versus 7.5%) to use, the move to five percent (5%) contributory status, the City's longevity with TCRS and the most recent results of the actuarial analysis.

Motion/Second: Parham/Marsh, to pass:

A RESOLUTION TO VOLUNTARILY WITHDRAW PARTICIPATION FROM THE TENNESSEE CONSOLIDATED RETIREMENT SYSTEM PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 8-35-218

Failed in 3-3 vote: Marsh, Parham and Phillips voting "aye" and Mallicote, Joh and Shupe voting "nay."

**E. APPOINTMENTS/REAPPOINTMENTS.**

**Mayor Phillips pulled Agenda Item VI.E.4 - Consideration of a Reappointment to the Historic Zoning Commission (AF: 204-2010).**

The four remaining agenda items, Items VI.E.1, VI.E.2, VI.E.3 and VI.E.5 were considered under one motion, as follows:

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Motion/Second: Mallicote/Parham to approve the following appointments/  
reappointments:

- REAPPOINT *MR. DAVE STAUFFER AND MR. MIKE MCINTIRE* TO AN ADDITIONAL TWO-YEAR TERM ON THE **KINGSPORT REGIONAL PLANNING COMMISSION**, EFFECTIVE JULY 1, 2010 AND EXPIRING JUNE 30, 2014 (AF: 196-2010)
- REAPPOINT *MS. AMY FISHER, MR. ROBERT E. WINSTEAD, MR. DAN WERNICK AND MR. LEE NORELL*, EACH TO SERVE AN ADDITIONAL TWO-YEAR TERM ON THE **TREE ADVISORY BOARD**, EFFECTIVE JULY 1, 2010 AND EXPIRING JUNE 30, 2012 (AF: 197-2010)
- REAPPOINT *MR. SCOTT CHRISTIAN AND MR. RUSS HICKMAN*, EACH TO SERVE AN ADDITIONAL THREE-YEAR TERM ON THE **PARKS AND RECREATION ADVISORY COMMITTEE**, EFFECTIVE JULY 1, 2010 AND EXPIRING JUNE 30, 2013 (AF: 198-2010)
- APPOINT *MS. DEBRA BRIDWELL* TO A FOUR-YEAR TERM ON THE **GATEWAY REVIEW COMMISSION**, EFFECTIVE JULY 1, 2010 AND EXPIRING JUNE 30, 2014; (AF: 205-2010)

Passed: All present voting "aye."

**VII. CONSENT AGENDA.**

**Consent Agenda items are considered under one motion.**

Motion/Second: Mallicote/Joh, to adopt:

**1. Consideration of an Ordinance to Adopt the FY10-11 Metropolitan Planning Project Grant Budget** (AF: 151-2010).

Adopt:

**Ordinance No. 5971**, AN ORDINANCE TO APPROPRIATE METROPOLITAN PLANNING GRANT PROJECT FUNDS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Parham, Shupe and Phillips voting "aye."

**2. Consideration of an Ordinance to Adopt the FY10-11 Urban Mass Transit Budget** (AF: 152-2010).

Adopt:

**Ordinance No. 5972**, AN ORDINANCE TO APPROPRIATE URBAN MASS TRANSIT GRANT PROJECT FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Parham, Shupe and Phillips voting "aye."

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**3. Consideration of an Ordinance to Adopt the FY10-11 School  
Public Law 93-380 Grant Project Fund Budget (AF: 153-2010).**

Adopt:

**Ordinance No. 5973**, AN ORDINANCE TO ESTABLISH PL93-380 GRANT PROJECT FUND FOR THE PL93-380 GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Parham, Shupe and Phillips voting "aye."

**4. Consideration of an Ordinance to Adopt the FY10-11 Special  
Schools Projects Grant Project Fund Budget (AF: 154-2010).**

Adopt:

**Ordinance No. 5974**, AN ORDINANCE TO ESTABLISH SPECIAL SCHOOL GRANT PROJECT FUND 145 FOR SPECIAL SCHOOL PROJECTS GRANT, TO APPROPRIATE SUCH FUNDS AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Parham, Shupe and Phillips voting "aye."

**5. Consideration of an Ordinance Establishing the FY11 Property  
Tax Rate for the City of Kingsport Sullivan and the City of Kingsport Hawkins  
(AF: 156-2010).**

Adopt:

**Ordinance No. 5975**, AN ORDINANCE PROVIDING FOR AND FIXING THE TAX RATE ON ALL REAL, PERSONAL, AND MIXED PROPERTY WITHIN THE CITY OF KINGSFORT, SULLIVAN COUNTY AND THE CITY OF KINGSFORT, HAWKINS COUNTY WHICH IS TAXABLE ON THE BASIS OF ASSESSMENTS MADE BY THE COUNTY PROPERTY ASSESSORS AND THE DIVISION OF PROPERTY ASSESSMENTS OF THE STATE OF TENNESSEE FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Parham, Shupe and Phillips voting "aye."

**6. Consideration of an Ordinance Providing for the FY11  
Community Development Block Grant Budget (AF: 158-2010).**

Adopt:

**Ordinance No. 5976**, AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Parham, Shupe and Phillips voting "aye."

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**7. Consideration of an Ordinance Providing for the FY11  
Emergency Shelter Grant Budget (AF: 159-2010).**

Adopt:

**Ordinance No. 5977**, AN ORDINANCE TO APPROPRIATE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT EMERGENCY SHELTER GRANT FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Parham, Shupe and Phillips voting "aye."

**8. Consideration of an Ordinance to Amend the General Purpose  
School Fund and the General Projects Fund Budgets (AF: 144-2010).**

Adopt:

**Ordinance No. 5978**, AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND AND THE GENERAL PROJECT FUND BUDGETS; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Parham, Shupe and Phillips voting "aye."

**9. Consideration of an Ordinance to Amend the Schools Federal  
Projects Fund Budget (AF: 145-2010).**

Adopt:

**Ordinance No. 5979**, AN ORDINANCE TO AMEND THE SCHOOL FEDERAL GRANT PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Parham, Shupe and Phillips voting "aye."

**10. Consideration of an Ordinance to Amend the Schools Special  
Projects Fund Budget (AF: 146-2010).**

Adopt:

**Ordinance No. 5980**, AN ORDINANCE TO AMEND THE SCHOOL SPECIAL PROJECTS FUND BUDGET; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Parham, Shupe and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** City Manager Campbell announced that the City had, once again, won the *Safe Routes to Schools Grant*. He commended Budget Officer



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Judy Smith and Deputy Police Chief Dale Phipps for the many hours each spent in reaching an agreement regarding the City's involvement in reaching an agreement with the Animal Shelter board. As a result of a lengthy meeting last Friday evening, the City has entered into a Memorandum of Understanding that allows the City to take over operation of the facility on Thursday.


**B. MAYOR AND BOARD MEMBERS.** Vice Mayor Mallicote thanked Michael Bennett for his fortitude in sitting through this lengthy Board meeting and shared with the audience that Michael intends to become an attorney and politician.

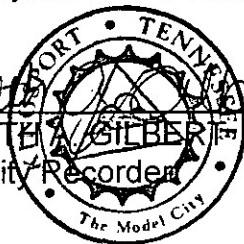
Michael replied that staying through the entire meeting was a great learning experience.

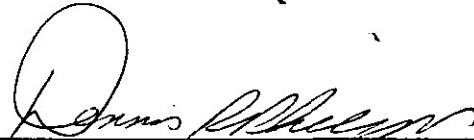
Mayor Phillips also thanked Michael for taking an interest in City government and for his attendance. The Mayor mentioned the Lynn Garden Block Party on Thursday, July 8, 2010, and invited all to attend and take advantage of the opportunity to tour the new Lynn View Community Center. He also mentioned the 4<sup>th</sup> of July events taking place; the Downtown Kingsport Association concert and fireworks will take place downtown on Saturday, July 3<sup>rd</sup> and the American Legion parade will be held Monday, July 5<sup>th</sup>.

**C. VISITORS.** None.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 9:20 p.m.

  
ELIZABETH A. GILBERT  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor